

Chapter 5.79

SECONDHAND, COIN DEALERS AND JUNK DEALERS

Sections:

- 5.79.010 Secondhand, coin dealers and junk dealers—Definitions**
- 5.79.020 Exemptions.**
- 5.79.030 License—Required.**
- 5.79.040 License—Application—Issuance conditions.**
- 5.79.050 License—Fees.**
- 5.79.070 Relocation of business—License required.**
- 5.79.080 Reporting changes in license information.**
- 5.79.090 License—Denial, suspension or revocation.**
- 5.79.100 Hearing on denial, suspension or revocation.**
- 5.79.150 Operation—Hours of closure.**
- 5.79.180 Stolen goods reports.**
- 5.79.190 Computer reporting.**
- 5.79.210 Junkyard premises—Barriers required where.**
- 5.79.220 Junkyard premises enclosure.**
- 5.79.230 Junk dealer vehicles.**
- 5.79.240 Dealer—Liability of licensee.**
- 5.79.250 Secondhand dealer business restrictions.**
- 5.79.260 Dealing with minors prohibited.**
- 5.79.010 Secondhand, coin dealers and junk dealers—Definitions.**

For the purpose of this chapter, the following words shall have the meaning as defined in this section:

A. “Antique dealer” means any person engaged in the business of selling old or archaic items which are indicative of an older culture.

B. “Charitable organizations” means any organization, group or church which receives personal property or secondhand goods from persons, groups or businesses but does not pay

money or any other thing of value in return for received personal property or secondhand goods. Charitable organizations are not to be licensed or regulated by this section.

C. “Coin dealer” means any person who engages in the business of buying or selling coins having numismatic value.

D. “Dealer” means all businesses or persons licensed under this chapter, and does not include a pawnbroker.

E. “Junk collector” means any person not having a fixed place of business in the city who goes from house to house or place to place gathering, collecting, buying, selling or otherwise dealing in old rags, papers, metals or other articles commonly known as junk.

F. “Junk dealer” means any person who engages in buying or selling old metals (other than precious metals), glass, rags, rubber, paper or other junk from a fixed place of business.

G. “Major appliances” means common major kitchen and washing appliances, such as refrigerators, ovens, dishwashers, washer/ dryers, etc., excluding microwaves, stereos, television sets, etc.

H. “Processor” means any person who engages in refining or otherwise altering the form of precious metal not found in a natural state (i.e., raw ore).

I. “Registered customer” means any person who is registered with the dealer and who the dealer knows to be a reputable person in the community. A registered customer must complete a registered customer form supplied by the police department and maintained in the dealer’s records. The registered customer form shall have positive identification sections and a section stating that the registered customer certifies that property he will sell to the dealer meets the requirements of subsection B(1) of section 5.48.520 of this title.

J. “Secondhand dealer” means any person who keeps a store, office or place of business for the purchase, barter or exchange or sale of any secondhand merchandise of value,

or who engages in the business of dealing in secondhand goods. For the purpose of this section, a “secondhand dealer” shall not include any person who deals in the purchase, barter, exchange or sale of used motor vehicles and trailers, but shall include any person who buys or sells five or more firearms per year.

K. “Secondhand precious metal dealer/processor or precious gem dealer” means any person who engages in buying, selling or processing gold, silver (excluding coins), platinum, other precious metals, secondhand articles containing any of such metals, secondhand precious gems, or any articles containing any precious gems.

5.79.020 Exemptions.

A. The provisions of this chapter are inapplicable to:

1. Any merchant or dealer whose principal business is the selling of new merchandise and secondhand merchandise is taken in as a trade incident to the sale of new or secondhand merchandise;

2. Any dealer who receives secondhand merchandise in trade for other secondhand merchandise of a higher value; or

3. Any dealer whose principal business is servicing and rebuilding major appliances, who receives used major appliances and adds value thereto through refurbishing and repairing the merchandise for resale.

5.79.030 License—Required.

It is unlawful to operate as a secondhand dealer, secondhand precious metal and/or precious gem dealer, junk dealer, junk collector, antique dealer, coin dealer, or processor, without first obtaining a license to do so. A separate license shall be required for each location and for the conduct of the business of a dealer.

5.79.040 License—Application—Issuance conditions.

A. Each application for a license shall be

made on the form that the license official requires, and the applicant shall certify that the information given is true and correct under the penalties of perjury.

B. Each application for a dealer’s license shall contain such information as deemed necessary by the police department and the license official.

C. Only individuals may apply for a dealer’s license:

1. If an application is made on behalf of a corporation, limited partnership, LLC or other business entity, the license shall be applied for by and issued to the president of the corporation or members of the partnership, LLC or other business entity who are authorized to act for it.

2. If the application is made on behalf of a partnership, the license shall be applied for by and issued to all of the partners who are authorized to act for the partnership. Where any partner is a corporation, limited partnership, LLC or the like, the application shall be made by and issued to the president of the corporation or members of the limited partnership, LLC or other entity who are authorized to act for it.

D. Each individual who applies for a dealer’s license under this chapter assumes, as an individual, all responsibilities of the dealer and, as an individual, is subject to all conditions, restrictions and requirements imposed on dealers.

E. Each individual applying for a secondhand dealer or secondhand precious metal/gem dealer license shall not be issued a license until such time as the police department has conducted a background investigation on the applicant pursuant to section 5.08.070 of this title.

5.79.050 License—Fees.

The license fee for the following occupations shall be as specified in the fee schedule adopted pursuant to section 5.06.050: secondhand dealer, secondhand precious metal

dealer/processor and/or gem dealer, antique dealer, junk dealer, junk collector, or coin dealer.

5.79.070 Relocation of business—License required.

A. A dealer may conduct the licensed business only from the fixed permanent location as specified in the application for the license, which shall be other than a motel or hotel room generally used by transients.

B. A dealer may not remove or relocate the location specified in the license for the business, or open any additional location unless the person has applied for and obtained a separate license from the license official.

5.79.080 Reporting changes in license information.

If, during any license year, there is a change in the information that a person gave in obtaining or renewing a license under this section, the person shall report the change to the license official within 30 days after the change occurs, and certify that the information given is true and correct under the penalties of perjury.

5.79.090 License—Denial, suspension or revocation.

The license official may refuse to grant a license to any individual, and may suspend, revoke or refuse to renew the license of any dealer if it finds:

A. The dealer has violated or is attempting to violate any provisions of this chapter;

B. A similar license issued to the dealer has been suspended, revoked or refused in another jurisdiction for a reason which would justify such action under this section;

C. Any officer, manager, agent or employee of the individual or dealer has violated or is attempting to violate any provisions of this chapter, unless the person or dealer:

1. Had no knowledge of the wrongful conduct and in the exercise of reasonable dili-

gence could not have known of the conduct, and

2. Was unable to prevent the violation or attempted violation with the exercise of reasonable diligence; or

D. The person or dealer has been convicted of theft or receiving stolen property on one or more occasions within the past five years.

5.79.100 Hearing on denial, suspension or revocation.

Before revoking, suspending or refusing to grant or renew any license, the applicant, employee or dealer shall be informed of an opportunity to appeal such decision in accordance with the provisions hereof.

5.79.150 Operation—Hours of closure.

It is unlawful for any dealer licensed under this chapter to keep his place of business open for trade before the hour of 7:00 a.m. or after 10:00 p.m., unless prior written permission is received from the police department and the manager.

5.79.180 Stolen goods reports.

It shall be the duty of every dealer to report to the police department any article sold, or which it is sought to pledge with him, or sold, if he shall have reason to believe that the article was stolen, or lost or found by the person attempting to sell it in the case of a lost article.

5.79.190 Computer reporting.

The police department is authorized to transfer the information received pursuant to this chapter into a computer information system and to report the information in such forms as the police department may determine is useful for law enforcement purposes.

5.79.210 Junkyard premises—Barriers required where.

Any licensee under this chapter who is the

owner of, occupant of or has control of any lot, yard or any other premises within the city limits, and who keeps, collects, permits, maintains or stores in the open thereon any metal, glass, bottles, rags, cans, sacks, rubber, paper or other articles commonly known as junk, or any articles known as secondhand goods, wares or merchandise, shall comply with all applicable board of health rules and regulations and city zoning ordinances mandating solid visual barriers enclosing such lot, yard or premises.

5.79.220 Junkyard premises enclosure.

Any premises, area or piece or parcel of land licensed and used as a junkyard shall have not more than two entrances and two exits, each of which shall not exceed 15 feet in width at the perimeter of the premises. Such premises, areas, pieces or parcels of land shall be enclosed with either a solid nontransparent wall or fence, or link-weave steel wire or combination thereof with a minimum height of seven feet from the ground level, excepting entrances and exits. The fence or wall shall not contain any poster or advertising of, any kind excepting one sign of the licensee not exceeding 100 square feet in size.

5.79.230 Junk dealer vehicles.

Every vehicle used by a junk dealer in the conduct of his business shall bear thereon, in legible characters, the name and address of the owner and proprietor thereof.

5.79.240 Dealer—Liability of licensee.

The holder of a dealer's license is liable for any and all acts of his employees for any violation by them of any of the provisions of this chapter.

5.79.250 Secondhand dealer business restrictions.

No person licensed under this chapter as a secondhand dealer shall purchase, barter, exchange or sell any secondhand merchandise

other than that of the same type and character which comprise his principal business, or act as a pawnbroker.

5.79.260 Dealing with minors prohibited.

It is unlawful for any licensee under this section, by himself, his agents or servants, to purchase or receive any personal property, or any articles whatsoever, from any person under 18 years of age.